

**MEDICAL EXAMINING BOARD
MEETING MINUTES
JANUARY 16, 2013**

PRESENT: James Barr; Mary Jo Capodice, DO; Sridhar Vasudevan, MD (*left the meeting at 9:56 A.M.*); Kenneth Simons, MD; Gene Musser, MD; Jude Genereaux; Sandra Osborn, MD; Greg Collins; Sheldon Wasserman, MD; Timothy Westlake, MD; Rodney Erickson, MD; Suresh Misra, MD, Timothy Swan, MD

STAFF: Tom Ryan, Executive Director (*left the meeting at 10:40 A.M.*); Dan Williams, Executive Director; Matthew Niehaus, Bureau Assistant; and other Department Staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:03 a.m. A quorum of thirteen (13) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item “F” (open session) **REMOVE** the agenda item titled “Presentation of Petition for Summary Suspension in Case Number 11 MED 315, Giuditta Angelini, M.D.”
- Item “X” (closed session) **REMOVE** the agenda item titled “Deliberation of Petition for Summary Suspension in Case Number 11 MED 315, Giuditta Angelini, M.D.”
- Item “Y” (closed session) **REMOVE** the agenda item titled “Complaint for Determination of Probable Cause in Case Number 11 MED 315, Giuditta Angelini, M.D.”
- Item “U” (closed session) **ADD** the agenda item titled “Stephen R. Krueser, M.D. (10 MED 389)”

MOTION: Dr. Tim Westlake moved, seconded by Dr. Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 12, 2012

- Page 4 of the minutes designate absence of Dr. Sridhar Vasudevan during deliberation of Shirley Y. Godiwalla, M.D.
- Page 4, note that at 12:12:12 on 12/12/12, Dr. Sridhar Vasudevan interrupted meeting to note the time and date

MOTION: Dr. Sridhar Vasudevan moved, seconded by, Dr. Kenneth Simons to approve the minutes of December 12, 2012 as published. Motion carried.

ELECTION OF OFFICERS AND APPOINTMENT OF PANELS, COMMITTEES, AND LIAISONS

Election of Officers

Chair

NOMINATION: Dr. Kenneth Simons nominated Dr. Sheldon Wasserman for the Office of Chair. Nomination carried by unanimous vote.

Tom Ryan called for other nominations three (3) times.

Dr. Sheldon Wasserman was elected as Chair.

Vice Chair

NOMINATION: Dr. Sridhar Vasudevan nominated Dr. Tim Swan for the Office of Vice Chair. Election failed.

NOMINATION: Dr. Gene Musser nominated Dr. Kenneth Simons for the Office of Vice Chair. Nomination carried by majority vote.

NOMINATION: Ms. Jude Genereaux nominated Dr. Suresh Misra for the Office of Vice Chair. Election failed.

Tom Ryan called for other nominations three (3) times.

Dr. Kenneth Simons was elected as Vice Chair.

Secretary

NOMINATION: Dr. Suresh Misra nominated Ms. Jude Genereaux for the Office of Secretary. Nomination carried by unanimous vote.

Tom Ryan called for other nominations three (3) times.

Ms. Jude Genereaux was elected as Secretary.

2013 ELECTION RESULTS	
Board Chair	Dr. Sheldon Wasserman
Vice Chair	Dr. Kenneth Simons
Secretary	Ms. Jude Genereaux

Appointment of Liaisons

MOTION: Dr. Gene Musser moved, seconded by Dr. Suresh Misra, that the record indicate election of Dr. Sheldon Wasserman as Chair, Dr. Kenneth Simons as Vice-Chair, and Ms. Jude Genereaux as Secretary, and the delegation of liaisons as discussed below. Motion carried unanimously.

Legal Services and Compliance Liaison

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Sridhar Vasudevan (with Dr. Mary Jo Capodice as an alternate) as Legal Services and Compliance Liaison.

Professional Assistance Procedure (PAP) Liaison

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Mary Jo Capodice (with Dr. Sridhar Vasudevan as an alternate) as Professional Assistance Procedure (PAP) Liaison.

Office of Education and Exams Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Kenneth Simons as Office of Education and Exams Liaison.

Website Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Timothy Swan as Website Liaison.

Credentialing Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Suresh Misra, Dr. Kenneth Simons, and Dr. Sheldon Wasserman (with Dr. Mary Jo Capodice and Dr. Timothy Westlake as alternates) as Credentialing Liaisons.

Legislative Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Timothy Swan, Dr. Timothy Westlake, Dr. Kenneth Simons, Dr. Sridhar Vasudevan, and Dr. Sheldon Wasserman as Legislative Liaisons.

Maintenance of Licensure Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Mary Jo Capodice and Dr. Rodney Erickson as Maintenance of Licensure Liaisons.

Newsletter Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Ms. Jude Genereaux as Newsletter Liaison.

Wis. Admin. Code Chapter MED 8 Liaison(s)

APPOINTMENT: Dr. Sheldon Wasserman appointed Dr. Gene Musser (with Dr. Timothy Westlake as an alternate) as Wis. Admin. Code Chapter MED 8 Liaison.

MOTION: Dr. Sridhar Vasudevan moved, seconded by Dr. Timothy Westlake, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Gene Musser that the Board delegates authority to the Chair (or order of succession) to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to the Executive Director, to sign the name of the Chair (or order of succession) on documents as necessary. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Discussion and Consideration of Changing Date of April Meeting

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to move the date of the April meeting to April 24, 2013. Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to delegate authority to council delegates to advise on credentialing matters. Motion carried unanimously.

Dr. Sridhar Vasudevan left the meeting to attend the FSMB conference at 9:56 A.M.

WISCONSIN ADMINISTRATIVE CODE CHAPTER MED 10 – RULE WRITING STATUS

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Rodney Erickson, to delegate authority to Dr. Sheldon Wasserman to approve MED 10 for the Board to go to Clearinghouse. Motion carried unanimously.

SPEAKING ENGAGEMENT, TRAVEL, AND PUBLIC RELATION REQUESTS

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Rodney Erickson, to delegate Dr. Sheldon Wasserman with Dr. Mary Jo Capodice as alternates to the FSMB conference. Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Rodney Erickson, to grant Tom Ryan authority to speak on the Board's behalf at the FSMB meeting on January 17, 2013. Motion carried unanimously.

Tom Ryan left the meeting to attend the FSMB conference at 10:40 A.M.

Dan Williams assumed the role of Executive Director at 10:40 A.M.

DISCUSSION AND CONSIDERATION OF ACGME POST-GRADUATE EDUCATION REQUIREMENT

MOTION: Dr. Timothy Swan moved, seconded by Ms. Jude Genereaux, to seek legislation that would:

- A) Require a temporary education permit at beginning of training that may last for the length of the residency and
- B) Set a minimum threshold for obtaining an unrestricted license of 3 successful years of ACGME/AOA accredited post-graduate medical education.

Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF DUTIES TO REPORT PROFESSIONAL MISCONDUCT

MOTION: Dr. Gene Musser moved, seconded by Dr. Sandra Osborn, to request that DSPS staff create documentation for signature by the Board Chair relative to contacting the director of state courts regarding providing reports as required under Wis. Stat. 655.45: Reports to licensing bodies. Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Sandra Osborn, to request that DSPS staff create documentation for signature by the Board Chair relative to contacting the compensation fund board of governors to request they provide the Board with reports as required under Wis. Stat. 655.26(2). Motion carried unanimously.

SCREENING PANEL REPORT

Ms. Jude Genereaux reported twenty (20) cases were screened. Ten (10) cases were opened.

CLOSED SESSION

MOTION: Dr. Gene Musser moved, seconded by Dr. Rodney Erickson, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: James Barr-yes; Mary Jo Capodice, DO-yes; Jade Genereaux-yes; Sandra Osborn, MD-yes; Greg Collins-yes; Timothy Westlake, MD-yes; Rodney Erickson, MD-yes; Suresh Misra, MD-yes; Timothy Swan, MD-yes; Kenneth Simons, MD-yes; Gene Musser, MD-yes; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:03 p.m.

PLANNED PARENTHOOD LAWSUIT CHALLENGING 2010 WISCONSIN ACT 217

12:05 P.M. Appearance by Dan Lennington, Maria Lazar, Asst. Attorney Generals

MOTION: Dr. Sandra Osborn moved, seconded by Mr. Jim Barr, to acknowledge the appearance of Dan Lennington, and Maria Lazar from the Assistant Attorney General's office to address the Planned Parenthood Lawsuit regarding Wisconsin Act 217. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to find that Belmarie P. Roman Maradiaga, M.D.'s post-graduate training is equivalent to a year of ACGME accredited training. Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to find that Sajid S. Khan, M.D.'s post-graduate training is not equivalent to a year of ACGME accredited training, and denies Applicant's request. **Reason for Denial:** The Board does not find Applicant's training to be equivalent to ACGME accredited training. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNINGS, PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

MOTION: Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Paul K. Awa, M.D. (12 MED 132.) Motion carried unanimously.

MOTION: Dr. Sandra Osborn moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Edward J. Muellerleile, M.D. (12 MED 331.) Motion carried unanimously.

MOTION: Ms. Jude Genereaux moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Orders in the disciplinary proceedings against Stephen R. Kreuser, M.D. (10 MED 389.) Motion carried unanimously.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Kenneth Simons, to issue an administrative warning in the matter of 12 MED 333, J.E.M. Motion carried unanimously.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, to issue an administrative warning in the matter of 12 MED 333, T.M.M. Motion carried unanimously.

ORDER GRANTING PARTIAL SUMMARY JUDGMENT AND PROPOSED DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST GRAHAM R. CASE, M.D., DHA CASE NO. SPS-11-0034 DOE CASE NO. 08 MED 249

MOTION: Dr. Gene Musser moved, seconded by Dr. Kenneth Simons, to accept the proposed findings of fact and conclusions of law and vary the order to decline to impose discipline in the matter of Graham R. Case, M.D. (08 MED 249.)
REASON: based on the totality of the circumstances, the Board determines that no discipline is necessary to protect the public, rehabilitate the licensee, or for purposes of deterrence. Motion carried.

Dr. Timothy Swan voted nay.

CASE CLOSINGS

- MOTION:** Dr. Tim Westlake moved, seconded by Dr. Kenneth Simons, to close the case #11MED148 for Prosecutorial Discretion (P3). Motion carried unanimously.
- MOTION:** Dr. Tim Westlake moved, seconded by Dr. Sandra Osborn, to close the case #12MED251 for No Violation (NV). Motion carried unanimously.
- MOTION:** Dr. Timothy Swan moved, seconded by Mr. Greg Collins, to close the case #12MED311 for No Violation (NV). Motion carried unanimously.
- MOTION:** Dr. Suresh Misra moved, seconded by Dr. Timothy Swan, to close the case #12MED380 for No Violation (NV). Motion carried unanimously.
- MOTION:** Mr. Greg Collins moved, seconded by Dr. Sandra Osborn, to close the case #12MED197 for No Violation (NV). Motion carried unanimously.
- MOTION:** Dr. Sandra Osborn moved, seconded by Dr. Timothy Westlake, to close the case #11MED217 for Prosecutorial Discretion (P3). Motion carried unanimously.
- MOTION:** Dr. Rodney Erickson moved, seconded by Dr. Suresh Misra, to close the case #12MED300 for Prosecutorial Discretion (P3). Motion carried unanimously.
- MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to close the case #12MED110 for No Violation (NV). Motion carried unanimously.

Dr. Timothy Westlake recused himself from deliberation and voting in the matter of 12 MED 110.

- MOTION:** Ms. Jude Genereaux moved, seconded by Dr. Suresh Misra, to close the case #12MED332 for No Violation (NV). Motion carried unanimously.
- MOTION:** Dr. Suresh Misra moved, seconded by Dr. Timothy Swan, to close the case #12MED257 for Insufficient Evidence (IE). Motion carried unanimously.
- MOTION:** Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to close the case #12MED271 for No Violation (NV). Motion carried unanimously.
- MOTION:** Ms. Jude Genereaux moved, seconded by Mr. Greg Collins, to close the case #12MED028 for No Violation (NV). Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

- MOTION:** Dr. Sandra Osborn moved, seconded by Dr. Suresh Misra, to ratify all licenses and certificates as issued. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:02 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Suresh Misra moved, seconded by Dr. Gene Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:04 p.m.